

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**James T. Williamson and IP Technologies  
Holdings, Inc.,**

*Plaintiffs,*

**v.**

**Case No. 3:06-cv-225  
Judge Thomas M. Rose**

**Rexam Beverage Can Company,**

*Defendant.*

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**ENTRY AND ORDER ADOPTING REPORT AND  
RECOMMENDATIONS, DOC. 54, DENYING MOTION FOR  
SANCTIONS, DOC. 50, AND TERMINATING CASE.**

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Pending before the Court are Defendant Rexam Beverage Can Company's Objections to August 31, 2007 Report and Recommendation. Doc. 55. Therein, Defendant objects to the recommendation of Chief Magistrate Judge Michael R. Merz that Defendant's motion for sanctions including attorney fees, Doc. 50, be denied.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that Defendant's objections, Doc. 55, to the Magistrate Judge's Report and Recommendations, Doc. 54, are not well taken. The Court particularly notes that Defendant has raised for the first time in his objection to the report and recommendation the argument that Ohio Revised Code § 1333.64 should be interpreted in light of Ohio Revised Code § 1368.

It is well established that:

while the Magistrate Judge Act, 28 U.S.C. § 631 et seq., permits *de novo* review by the district court if timely objections are filed, absent compelling reasons, it does not allow parties to raise at the district court stage new arguments or issues that were not presented to the magistrate. See *United States v. Waters*, 158 F.3d 933, 936 (6th Cir. 1998) (citing *Marshall v. Chater*, 75 F.3d 1421, 1426-27 (10th Cir. 1996) (“issues raised for the first time in objections to magistrate judge's report and recommendation are deemed waived”)); see also *Cupit v. Whitley*, 28 F.3d 532, 535 (5th Cir. 1994); *Paterson-Leitch Co., Inc. v. Massachusetts Mun. Wholesale Elec. Co.*, 840 F.2d 985, 990-91 (1st Cir. 1988); *Anna Ready Mix, Inc. v. N.E. Pierson Constr. Co., Inc.*, 747 F. Supp. 1299, 1302-03 (S.D. Ill. 1990).

*Murr v. United States*, 200 F.3d 895, 902 n.1 (6th Cir. 2000). Nowhere in Defendant's motion or reply does Defendant refer to Ohio Revised Code § 1333.68, the cases cited in the Objection interpreting § 1333.68, nor the argument encompassed therein. Wherefore, this argument is waived.

The Court **ADOPTS** the Report and Recommendation, Doc. 54, and **DENIES** the Motion. Doc. 50. The Clerk is **ORDERED** to terminate the instant case.

**DONE** and **ORDERED** in Dayton, Ohio, this Friday, November 30, 2007.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE